REMARKS

The present application has been reviewed in light of the Office Action dated September 16, 2008. Claims 1-18 are presented for examination, of which Claims 1 and 10-18 are in independent form. Claims 1 and 10-18 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1-10, 12, 13, 15, 16, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee, Daniel T., "JPEG 2000 Part I Final Committee Draft Version 1.0" (*Lee*), in view of U.S. Patent Appln. Pub. No. 2002/0131084 (*Andrew et al.*). Applicant submits that independent Claims 1 and 10-18, together with the claims dependent therefrom are patentably distinct from the cited prior art for at least the following reasons.

As an initial matter, Applicant respectfully submits that definitions of "active," "inactive," and "separate," are not required because those terms are clearly described in the specification. In particular, the specification explains that an active/inactive flag corresponding to a particular scan indicates whether that scan is active or inactive, and thereby indicates whether that scan is to be encoded; active scans are to be encoded and inactive scans are not to be encoded. *See, e.g.*, Specification, page 19, lines 4-18 and page 23, lines 22-27. In addition, the term "separate," as recited in the claims, is used in a manner consistent with the specification, and is intended to mean that the attribute (*e.g.*, flag entry) in the memory management table is not part of the bitstream data to be encoded; that is, the attribute is not encoded. Accordingly, Applicant submits that the terms of the claims are properly defined.

A notable feature of Claim 1 is "encoding the determined active scans of bitstream data and discarding the determined inactive scans <u>without encoding the inactive scans</u>." (Emphasis added.) By virtue of this feature, an image can be compressed while a reduced amount of image data is encoded, thus resulting in faster image compression.

Lee, as best understood by Applicant, relates to coding of still pictures and discusses a JPEG 2000 image coding system. Applicant respectfully disagrees with the Office Action's assertion that the terms "AC" and "terminate" in *Lee* are equivalent to "active" and "inactive," respectively, as recited in the present claims. As explained above, the terms active and inactive, as recited in the present claims, correspond to an entry of the active/inactive flag described in the specification, and indicate whether a particular scan is to be encoded. In contrast, in *Lee*, the term AC stands for arithmetic coder, and terminate corresponds to an end-of-stream marker. As best understood by Applicant, neither the AC nor the termination of the *Lee* system indicate whether image data is to be encoded, as does the active/inactive flag of the present invention.

Andrew et al., as best understood by Applicant, relates to storing coding image data in a storage of fixed memory size. Apparently, in the *Andrew et al.* system, <u>all</u> bitstream data is encoded, and based on an active/inactive flag, only the active encoded data is transferred to a fixed-size memory. This is in stark contrast to "encoding the determined active scans of bitstream data and discarding the determined inactive scans <u>without encoding the inactive scans</u>," as recited in Claim 1. (Emphasis added.)

Applicant submits that *Lee* and *Andrew et al.*, alone or in any combination, assuming such a combination would even be permissible, would fail to teach, suggest, or

otherwise result in "encoding the determined active scans of bitstream data and discarding the determined inactive scans without encoding the inactive scans," as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claims 10-18 include a feature similar to that discussed above in connection with Claim 1. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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